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Counsel for Plaintiffs and the Putative Class

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

STEWART SMITH and BRENNAN
LANDY, individually and on behalf
of all others similarly situated,

Plaintiffs,

v.

PRO CUSTOM SOLAR LLC d/b/a
MOMENTUM SOLAR, a New
Jersey limited liability company,

Defendant.

CIVIL ACTION

Case No. 2:19-cv-20673

**NOTICE OF VOLUNTARY
DISMISSAL AS TO PLAINTIFF
LANDY**

PLEASE TAKE NOTICE that Plaintiff Brennan Landy dismisses his claims against Defendant with prejudice. The claims of Plaintiff Stewart Smith and the alleged Class are not dismissed and remain live.

Federal Rule of Civil Procedure 41(a)(1) provides, in relevant part:

(a) Voluntary Dismissal.

(1) By the Plaintiff.

(A) *Without a Court Order.* Subject to Rules 23(e), 23.1(c), 23.2 and 66 and any applicable federal statute, the plaintiff may dismiss an action without a court order by filing:

(i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment; or

(ii) a stipulation of dismissal signed by all parties who have appeared.

(B) *Effect.* Unless the notice or stipulation states otherwise, the dismissal is without prejudice. But if the plaintiff previously dismissed any federal- or state-court action based on or including the same claim, a notice of dismissal operates as an adjudication on the merits.

Accordingly, Landy hereby dismisses his claims against Defendant with prejudice. Plaintiff Smith's claims (both individual and class) are not affected by this notice and remain active.

Respectfully submitted,

Dated: December 3, 2020

By: /s/ Ari Marcus
One of Plaintiffs' Attorneys

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*Admitted *Pro Hac Vice*

CERTIFICATE OF SERVICE

I hereby certify that the above papers were filed through the Court's ECF system on December 3, 2020, which will serve the papers electronically to all counsel of record.

/s/ Ari Marcus